

Appendix I GMP #141A

General Guidelines to Determine an Agricultural Operation

(This is an example from one county in Virginia and should only be considered as general information. These guidelines may not necessarily be applicable throughout the Commonwealth.)

STANDARDS FOR THE CLASSIFICATION OF REAL ESTATE AS DEVOTED TO AGRICULTURAL or HORTICULTURAL USE UNDER THE VIRGINIA LAND USE ASSESSMENT LAW (§58.1-3230 *et seq.*)

In order to qualify as Agricultural Use the real estate must be devoted to one or more of the following uses:

1. Aquaculture
2. Forage crops
3. Commercial sod and seed
4. Grains and feed crops
5. Tobacco, cotton or peanuts
6. Dairy animals and dairy products
7. Poultry or poultry products
8. Livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats
9. Bees and apiary products
10. Commercial game animals or birds
11. Trees or timber products of such quantity and so spaced as to constitute a forest area meeting standards prescribed by the State Forester.
12. Fruits and nuts
13. Vegetables
14. Nursery products and floral products

It shall be the responsibility of the Commissioner of the Revenue in the locality to determine that the real estate is devoted to the bona fide production for sale of agricultural or horticultural products being used in a planned program of soil management and a planned program of management and production of field crops, livestock dairy, poultry, aquaculture, horticultural crops, and timber products.

In order to qualify for agricultural designation real estate must meet the following minimum acreages:

Agriculture – 5 Acres

Horticulture – 5 Acres

Timber – 20 Acres

DOCUMENTATION OF COMPLIANCE

- Completed crop report forms as required by the standards of the Commissioner of Agriculture and Consumer Services
- Federal tax forms (1040F) Farm Expenses and Income (4835), Farm Rental Income and Expenses, or (1040E) Cash Rent for Agricultural Land
- The assigned USDA/ASCS farm number, and evidence of participating in a federal farm program
- A Conservation Farm Management Plan prepared by a professional
- Written letter of agreement between property owner(s) and farmer
- Site visit

Also see: <http://leg1.state.va.us/000/reg/TOC02005.HTM#C0020>

**Addendum to AOSE/PE Certification Statement
For Private Well Construction Permit**

Instructions: Please check one box in 1-3 below. Statement templates for item #2 and #3 are on the following pages.

The proposed well site shown herein,

- ☐ 1. Is located a minimum of 50 feet from all property lines.
- ☐ 2. Is located within 50 feet of the adjacent property line(s) but I have determined that the adjacent property is not used for an agricultural operation.
 - ☐ i. Written affirmation from the adjacent property owner(s) that their property is not used for an agricultural operation.
 - ☐ ii. Other confirmation that land use is not an agricultural operation, please describe:
- ☐ 3. Is located within 50 feet of an adjacent property line where the property is used for an agricultural operation. For confirmation, I have attached the appropriate documentation pursuant to § 32.1-176.5:2 of the *Code of Virginia*. (check one below)
 - ☐ i. Written permission from the adjacent property owner(s) for the well construction.
 - ☐ ii. I certify that no other site on the property complies with the Board's Regulations for the construction of a private well.

Proposed Well Site is located within 50 feet of an Adjacent Property Line(s)

Property is not used for an Agricultural Operation

Statement from Adjacent Property Owner(s):

I affirm that my property is not used for an Agricultural Operation as defined in § [3.1-22.29](#) of the *Code of Virginia*.

Signature of Property Owner

Date

Proposed well site is located within 50 feet to an Adjacent Property line

Adjacent Property is used for an Agricultural Operation

Appropriate documentation to comply with § 32.1-176.5:2 of the *Code of Virginia*:

Written Permission

I grant permission for the construction of the proposed private well described herein which is within 50 feet of my property line.

Signature of Adjacent Property Owner

Date